

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

ROYCE SOLOMON, JODI BELLECI,)
MICHAEL LITTLEJOHN, and GIULIANNA)
LOMAGLIO, *individually and on behalf of all*)
others similarly situated,)

Plaintiffs,)

v.)

Civil Action No. 4:17-cv-145-RAJ-RJK

AMERICAN WEB LOAN, INC., AWL, INC.,)
MARK CURRY, MACFARLANE GROUP,)
INC., THE MACFARLANE GROUP, LLC, SOL)
PARTNERS, MEDLEY OPPORTUNITY FUND)
II, LP, MEDLEY LLC, MEDLEY CAPITAL)
CORP., OAKMONT FUNDING, INC., DINERO)
INVESTMENTS, INC., CHIEFTAIN FUNDING,)
INC., DANT HOLDINGS, INC., DHI)
COMPUTING SERVICE, INC., SMITH)
HAYNES & WATSON, LLC, MIDDLEMARCH)
PARTNERS, and JOHN DOES 1-100,)

Defendants.)

CONSENT MOTION FOR EXTENSION OF TIME

Plaintiffs and Specially-Appearing Defendants (“Defendants”), by counsel, and pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure, and Rule 7(F)(2)(b) of the Local Rules of this Court, state the following in support of their Consent Motion for Extension of Time:

1. Plaintiffs Royce Solomon, Jodi Belleci, Michael Littlejohn, and Giulianna Lomaglio, *individually and on behalf of all others similarly situated* (collectively, the “Plaintiffs”) filed a Class Action Complaint (the “Complaint”) in the above-captioned matter on December 15, 2017. (ECF No. 1.)

2. Service of process on the Defendants was obtained through the Secretary of the Commonwealth of Virginia (the “Secretary”).¹

3. The Secretary’s Certificates of Compliance were filed in this Court on January 10, 2018. (ECF No. 8.)

4. Accordingly, Defendants’ respective responsive pleadings are due on or before January 31, 2018.

5. As illustrated by the Complaint, this is a complex matter involving Defendants located throughout the United States and in which Plaintiffs seek to certify a nationwide class of plaintiffs. The Complaint names sixteen (16) separate Defendants and contains two hundred thirty-three (233) paragraphs and nine (9) causes of action.

6. Defendants anticipate filing dispositive motions in response to the Complaint. Among the issues to be addressed in the anticipated dispositive motions are threshold questions of whether the Court has subject matter jurisdiction and personal jurisdiction over the Defendants. Plaintiffs anticipate that they will file detailed opposition briefs in response to Defendants’ dispositive motions.

7. Due to the complexity of this matter, the nature of the allegations, and the number of parties, and consistent with the expectations of this Court, counsel for Plaintiffs and Defendants have engaged in preliminary communications to discuss the pending issues and the most orderly approach to move this matter forward in an effective and efficient manner.

¹ As of the date of filing this Consent Motion, Defendant DHI Computing Service, Inc. has not been served or entered an appearance in this matter, and therefore, does not join in this Consent Motion. In addition, Defendants understand that The MacFarlane Group, LLC is unaffiliated with Defendants and is believed to be an entity unrelated to this dispute, and therefore, The MacFarlane Group, LLC also does not join in this Consent Motion.

8. Based on these discussions, Plaintiffs and Defendants (the “Parties”) jointly move for an extension of time for Defendants to file their respective responsive pleadings and for Plaintiffs and Defendants to file briefs in response to any motions that are filed.

9. As demonstrated by the fact that this is a Consent Motion agreed to by the Parties, the requested extension will neither prejudice the Parties nor result in undue delay. The requested extension will promote a uniform briefing schedule which will facilitate the Court’s consideration of the responsive motions.

10. Based on the discussions of counsel, and the nature of the claims and allegations before the Court, the Parties jointly and respectfully request the following extension of time and briefing schedule. Defendants shall file their respective responses to the Complaint on or before March 16, 2018. Plaintiffs shall file briefs in response to any motions on or before May 2, 2018. Defendants shall file any reply briefs on or before May 23, 2018.

11. Given the early stages of this action, Defendants Oakmont Funding, Inc., Dinero Investments, Inc., Chieftain Funding, Inc., Dant Holdings, Inc., Smith, Haynes & Watson, LLC and Middlemarch Partners are in the process of retaining local counsel. A representative of each of these respective Defendants has confirmed that each Defendant joins in the requested extension and agrees to be bound by the relief sought in this Consent Motion.

12. Defendants join in this Consent Motion as a special appearance, for the sole and limited purpose of addressing the responsive pleading deadline and briefing schedule in this matter. Defendants expressly reserve all arguments and defenses available to them in this action including, but not limited to, all arguments and defenses related to subject matter and personal jurisdiction.

13. A proposed Order which has been agreed to by the Parties is attached for the Court's consideration.

WHEREFORE, Plaintiffs and Specially-Appearing Defendants respectfully request that the Court (1) grant their Consent Motion for Extension of Time; (2) enter an Order consistent with the relief requested in the Consent Motion; and (3) grant any further relief that the Court deems just and proper.

Dated: January 25, 2018

Respectfully submitted,

/s/
David W. Thomas
Michie Hamlett
500 Court Square, Suite 300
P.O. Box 298
Charlottesville, VA 22902
Telephone: (434) 951-7200
Facsimile: (434) 951-7218
dthomas@michiehamlett.com

/s/
Charles K. Seyfarth (VSB No. 44530)
Elizabeth Scott Turner (VSB No. 88056)
LeClairRyan
919 East Main Street, 24th Floor
Richmond, Virginia 23219
Telephone: (804) 916-7159
Facsimile: (804) 916-7259
charles.seyfarth@leclairryan.com
elizabeth.turner@leclairryan.com

Kathleen M. Donovan-Maher (*pro hac vice*)
Steven J. Buttacavoli (*pro hac vice*)
Steven L. Groopman (*pro hac vice*)
Berman Tabacco
One Liberty Square
Boston, MA 02109
Telephone: (617) 542-8300
Facsimile: (617) 542-1194
kdonovanmaher@bermantabacco.com
sbuttacavoli@bermantabacco.com
sgroopman@bermantabacco.com

*Counsel for Specially-Appearing Defendants
American Web Loan, Inc., AWL, Inc., and
MacFarlane Group, Inc.*

Matthew B. Byrne (*pro hac vice* forthcoming)
Gravel & Shea P.C.
76 St. Paul Street, 7th Floor
P.O. Box 369
Burlington, VT 05402-0369
Telephone: (802) 658-0220
Facsimile: (802) 658-1456
mbyrne@gravelshea.com

Counsel for Plaintiffs

_____/s/_____
Robert M. Cary (VSB No. 32000)
Simon A. Latcovich (VSB No. 73127)
Williams & Connolly LLP
725 12th Street, NW
Washington, DC 20005
Telephone: (202) 434-5175
Facsimile: (202) 434-5029
rcary@wc.com
slatcovich@wc.com

*Counsel for Specially-Appearing Defendants
Mark Curry and Sol Partners*

_____/s/_____
Christopher E. Ondeck (VSB No. 39061)
Proskauer Rose LLP
1001 Pennsylvania Avenue, NW
Suite 600 South
Washington, DC 20004
Telephone: (202) 416-6800
Facsimile: (202) 416-6899
condeck@proskauer.com

*Counsel for Specially-Appearing
Defendants Medley Opportunity Fund II,
LP; Medley LLC; Medley Capital Corp.*

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of January, 2018, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to all counsel of record.

By: /s/ Elizabeth Scott Turner
Charles K. Seyfarth (VSB No. 44530)
Elizabeth Scott Turner (VSB No. 88056)
LeClairRyan
919 East Main Street, 24th Floor
Richmond, Virginia 23219
Telephone: (804) 916-7159
Facsimile: (804) 916-7259
charles.seyfarth@leclairryan.com
elizabeth.turner@leclairryan.com